

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLD LINE LIFE INSURANCE COMPANY

PLAINTIFF

VS.

CIVIL ACTION NO. 3:05CV722-WHB-JCS

NICHOLAS S. BROOK, ET AL.

DEFENDANTS

OPINION AND ORDER

This cause is before the Court on the Notice of Roger Brook to Dismiss his Amended Counterclaim, which was filed with the Clerk of the Court on May 31, 2006, under docket entry no. 39. Brook invokes the provisions of Rule 41(a) and (c) of the Federal Rules of Civil Procedure in seeking dismissal, without prejudice, of his Counterclaim. Under Rule 41(a)(1)(i), a claim may be voluntarily dismissed through a notice of dismissal if the party against whom the claim is asserted has filed no answer or related motion. These conditions are met in this case. Therefore, the Court finds that the Counterclaim of Roger Brook against Old Life Insurance Company is HEREBY DISMISSED, without prejudice.

SO ORDERED this the 9th day of June, 2006.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE

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